

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD A. ERHART and RICHARD B. NELSON

Appeal No. 1997-0321
Application 08/052,494

ON BRIEF

Before HAIRSTON, KRASS and LALL, Administrative Patent Judges.
LALL, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the final rejection¹ of claims 10 to 15.

¹An amendment after final was filed [paper no. 6] and its entry was approved by the Examiner [paper no. 8]. The amendment, however, made no changes to the claims.

The invention is related to a display driver circuit which includes a means for determining the integrity of the bond of the output of a display driver circuit to an LCD display. The driver circuit comprises a bond integrity detector which makes use of operational aspects of essentially all of the circuitry associated with the driver. The integrity detector includes means for driving the display driver output to a first voltage level. The output of the display driver is coupled to an output pad which is bonded to the display. The detector also includes means for applying a test mode current to the output to change the voltage at the output pad to a second level. The detector includes means for defining a sampling time following initiation of the application of the test mode current to the output. The detector further includes means for indicating whether the voltage on the output has reached the second voltage level at the sampling time, which in turn indicates whether or not the bonding of the output of the display driver circuit is of adequate integrity.

Representative claim 10 is reproduced as follows:

10. A display driver circuit having an output for driving a flat panel display, comprising means for detecting integrity of bonding of said output to said flat panel display, said bond integrity detecting means in turn comprising;

means for driving said output to a first voltage level;

means for applying a test mode current current to said output to change voltage on said output to a second voltage level;

means for defining a sampling time following initiation of application of said test mode current to said output; and

means for indicating whether voltage on said output has reached said second voltage level at said sampling time.

Claims² 10 to 15 stand rejected under 35 U.S.C. § 112, first paragraph³.

Rather than repeat the positions and the arguments of

² Claim 11 is indicated to depend on claim 1, however, claim 1 has been canceled. We think that claim 11 is supposed to depend on claim 10. Appellants and the Examiner may want to review this dependancy. Our opinion is unaffected by that as there is no specific discussion of individual claims in either the brief or the answer.

³ The Examiner has withdrawn [answer, page 6] the rejection under 35 U.S.C. § 102.

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Appellants and the Examiner, we make reference to the brief and the answer for their respective positions.

OPINION

We have considered the rejection advanced by the Examiner. We have, likewise, reviewed Appellants' arguments against the rejection as set forth in the brief.

It is our view, after consideration of the record before us, that the rejection of claims 3 to 9 under 35 U.S.C. § 112, first paragraph is not proper.

The Rejection

Claims 10 to 15 are rejected as failing to provide an adequate written description of the invention [answer, pages 4 to 6].

As a general proposition, the written description requirement serves "to ensure that the inventor had possession, as of the filing date of the application relied on, of the specific subject matter later claimed by him; how

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the specification accomplishes this is not material." In re Wertheim, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976). In order to meet the written description requirement, the appellants do not have to utilize any particular form of disclosure to describe the subject matter claimed, but "the description must clearly allow persons of ordinary skill in the art to recognize that [he or she] invented what is claimed." In re Gosteli, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). Put another way, "the applicant must . . . convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention." Vasilkov-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). Finally, "[p]recisely how close the original description must come to comply with the description requirement of section 112 must be determined on a case-by-case basis." Eiselstein v. Frank, 52 F.3d 1035, 1039, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995) (quoting Vasilkov-Cath, 935 F.2d at 1561, 19 USPQ2d at 1116).

Here, the Examiner contends [answer, pages 4 to 5] that

"the specification are [sic, is] inadequate, unclear and confusing and because the description in the specification originally [filed] has never made clear as to what [is] to be included in the 'means for detecting integrity of bonding' nor does it make clear ... what are meant to be included in these as well."

Appellants argue [brief, pages 3 to 6] that the terms and the recitations used in the claims are well described in the specification and point to various parts of the specification and the drawings to support their arguments.

We have reviewed the specification for the references made by Appellants in their arguments. We are of the view that the specification does provide an adequate description for the invention. The specification shows the various means involved in testing the integrity of bonding between the output of the display driver and the display. Figures 1 and 2 of the specification, together with the associated text, show how the circuit in figure 1 is initialized for the testing mode, how a sampling time interval is chosen, how a test

current is employed and how the voltage output at the bond pad serves as an indication of the integrity of the bond. The Examiner has not made clear what exactly is lacking in the written description other than to simply assert that the various means claimed were confusing.

In meeting the written requirement, Appellants do not have to utilize any particular form of disclosure to describe the subject matter claimed, but the description must clearly allow persons of ordinary skill in the art to recognize that the inventor had indeed invented what is being claimed. We are convinced from a review of the specification and Appellants arguments that, in this case, Appellants had in their possession

what they are claiming. Therefore, we do not sustain the rejection of claims 10 to 15 under 35 U.S.C. § 112, first paragraph, for lack of written description.

REVERSED

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